The Correctional Investigator Canada

2009-2010

Report on Plans and Priorities

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Minister of Public Safety

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Message from the Correctional Investigator

Since its creation in 1973, the Office has been an important part of safeguarding the rights of offenders and in making Canada a safer place. Public safety is enhanced by ensuring that offenders are treated fairly, provided the necessary assistance to become law-abiding citizens, and safely reintegrated into society in a timely and supported fashion. For 35 years, the Office has played a vital role providing independent oversight and objective investigations of offender complaints as well as making recommendations to address systemic issues to improve Canada's prison system, and ultimately public safety.

As Canada's Ombudsman for federal offenders offering independent oversight of federal Corrections, the Office of the Correctional Investigator (Office) contributes to public safety and the promotion of human rights by providing independent and timely review of offender complaints. The Office makes recommendations that assist in the development and maintenance of an accountable federal correctional system that is fair, humane and effective. In order to achieve this result for Canadians, the Office monitors and investigates the acts, omissions, decisions and recommendations of the Correctional Service of Canada (Service), so that the Service carries out its statutory mandate in compliance not only with its own policies and procedures, but also with its domestic and international legal and human rights obligations.

Recently, the Office has seen an increasing workload primarily related to the volume of complaints and complexity of cases which are directly associated with several emerging trends in the correctional environment. These trends consist of the over-representation of offenders with mental health issues who are often identified as being high risk, high needs and as having low adjustment potential to incarceration; the offender population profile being skewed by the arrival in increasing number of younger, more violent and often gang associated offenders; the disproportionate representation of Aboriginal offenders within the criminal justice system; the increasing population of federally sentenced women; the increasing number of Section 19 and use of force reviews; and the extensive involvement in the review of deaths in custody cases.

The recognition of the changing correctional landscape has required my Office to reconsider how the organizational and case management structures support the delivery of our mandate and primary program activity. This assessment concluded that the organization does not have sufficient human and operational resources to conduct timely investigations of individual offender complaints and meet service standards, to review and make recommendations on the Correctional Service Canada's policies and procedures associated with the areas of individual complaints, to follow-up on the implementation of recommendations, to ensure that systemic areas of complaint are identified and to review all Section 19 investigations performed by the Correctional Service Canada following the death of or serious injury to an inmate. On the advice of the Treasury Board Secretariat, the development of a business case in support of modest

incremental funding was completed and will be assessed by the Central Agencies for implementation in 2009-2010.

Throughout the life of this plan, my Office will remain committed to a constructive dialogue with the Service and to making progress in the areas of offender concern discussed above. Our focus will continue to be on ensuring fairness and accountability. Moreover, we will continue to work with the Central Agencies to secure additional funding and ensure that the Office is better resourced to fulfill its important mandate.

Howard Sapers
Correctional Investigator

Section I — Agency Overview

Raison d'être

The Office of the Correctional Investigator provides Canadians with timely, independent, thorough and objective investigations into problems of offenders to ensure a safe, secure, fair, equitable, humane, reasonable and effective correctional environment. Essentially, its oversight role is to ensure that the Correctional Service of Canada carries out its statutory mandate in compliance with its domestic and international policy, legal and human rights obligations.

Responsibilities

The Office of the Correctional Investigator was established in 1973 pursuant to Part II of the *Inquiries Act*. With the proclamation in November 1992 of Part III of the *Corrections and Conditional Release Act*, the mandate of the Office was entrenched in its own legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an Ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on his own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety Canada to both Houses of Parliament.

Moreover, as Canada's Ombudsman for federal offenders offering oversight of federal Corrections, the Correctional Investigator contributes to public safety and the promotion of human rights by providing independent and timely review of offender complaints. The Correctional Investigator makes recommendations that assist in the development and maintenance of an accountable federal correctional system that is fair, humane and effective.

Strategic Outcome(s) and Program Activity Architecture (PAA)

The Office of the Correctional Investigator's strategic outcome, "The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion" is consistent with the organization's legislative mandate as defined in section 167 of the *Corrections and Conditional Release Act*.

The Office's main program activity, "Ombudsman to federal offenders" contributes to the effective administration of Justice by conducting investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner of Corrections or any person under the control and management of, or performing service for or on behalf of the Commissioner of Corrections that affects offenders either

individually or as a group, as detailed in Section 167 of the *Corrections and Conditional Release Act*.

Section 19 of the *Corrections and Conditional Release Act* requires that the Office reviews all investigations performed by the Correctional Service of Canada following the death of or serious bodily injury to an inmate. The Office is also committed to a similar review function with respect to Use of Force interventions, in keeping with the recommendations of the *Arbour Commission of Inquiry*.

Its other program activity: "Internal services" supports the delivery of the Office's Ombudsman role to federal offenders as well as its corporate obligations to the Central Agencies. Internal services are defined as: Management and Oversight Services; Communications Services; Human Resources Management Services; Financial Management Services; Information Management Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services.

Planning Summary

Financial Resources ($ thousands)

2009–10	2010–11	2011–12
$3,176	$3,176	$3,176

Human Resources (Full-Time Equivalent—FTE)

2009–10	2010–11	2011–12
24	24	24

Summary Table:

Strategic Outcome 1: The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion.					
Performance Indicators		**Targets**			
Percentage of offender complaints addressed within prescribed timeframes;		100%			
Percentage of responses to offender complaints by category		100%			
Program Activity[1] http://www.tbs-sct.gc.ca/pre-est/estime.asp	**Forecast Spending 2008–09**	**Planned Spending**			**Alignment to Government of Canada Outcomes**
		2009–10	**2010–11**	**2011–12**	
Ombudsman to federal offenders	2,708	2,696	2,696	2,696	Safe and Secure Communities
Internal Services	450	480	480	480	
Total Planned Spending		3,176	3,176	3,176	

1. For program activity descriptions, please access the Main Estimates online at: http://www.tbs-sct.gc.ca/pre-est/estime.asp.

Contribution of Priorities to Strategic Outcome(s)

Operational Priorities	Type	Links to Strategic Outcome(s)	Description
Investigate and resolve individual offender issues	Ongoing	All four operational priorities contribute towards the attainment of the organization's strategic outcome: The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion.	Primary role is to investigate individual offender complaints through institutional visits, interview offenders, offender groups and Correctional Service staff.
Investigate, monitor and resolve systemic offender issues	Ongoing		Review and make recommendations on the Correctional Service of Canada's policies and procedures. Use comparative analysis of Service's statistics; institutional performance in areas of concern; oversight and evaluation through follow-up and impact analysis of Service's response.
Monitor, evaluate and provide representations on the Service's management of mandated issues (s. 19 investigations and use of force incidents)	Ongoing		Required as per *Corrections and Conditional Release Act*; Review of Service's Section 19 investigations and reports; make representations and/or recommendations to Service's Officials at the appropriate level; and monitor and evaluate response.
Investigate, resolve and provide leadership on specifically identified issues of offender concern (Women and Aboriginal offenders, and Mental health issues)	Ongoing		Conduct specialized investigations in these areas; Assume a national leadership role on key issues affecting these areas of responsibility; increased outreach efforts towards women and aboriginal offenders and those suffering from mental health issues.

Management Priorities	Type	Links to Strategic Outcome(s)	Description
Information Management	New	This management priority is linked to the organization's strategic outcome: "The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion" as incremental funding is required to address the workload and complexity of cases managed by the Office. It is also linked to the organization's two program activities: "Ombudsman for federal offenders" and "Internal services" as incremental funding will support both activities and ensure the organization's mandate is delivered.	To address the information management gaps identified by an external consultant by: - developing a records management program; - integrating the management of electronic records; - developing and implementing a file classification system; and - ensuring the management of e-mails

Risk Analysis

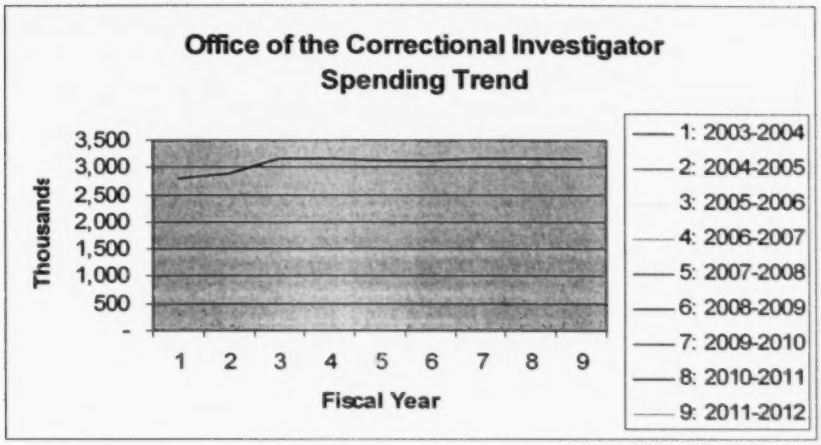
Maintaining an independent and objective review process within a correctional environment where the Office has virtually no control over either the number of complaints or the extent of the required investigations presents a number of unique challenges. First, the organization's mandate is national in scope and offers, by the sheer number and complexity of issues, an endless supply of difficulties, opportunities and shifting priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada. Second, the resolution of disputes in an environment traditionally closed to public scrutiny with an understandably high level of mistrust between correctional officials and offenders, requires that the Office not only be, but be seen to be independent of both the Correctional Service, the Department of Public Safety and the Minister. Third, given that the authority of the Office rests with its power of persuasion and public reporting rather than enforceable recommendations, it is imperative that appropriate administrative and political mechanisms be available to ensure that reasonable, fair, timely, thorough and humane action is taken on the findings made by the Office.

The Office of the Correctional Investigator is a micro agency with only one program. Its current resources are dedicated to meeting an acceptable level of service to its clients. While the Office has realized some efficiency measures over the past few years, these did not yield sufficient flexibility to meet the ongoing requirement. The organization has had difficulty in fully meeting its mandate because it does not have adequate operational resources to conduct timely investigations of individual offender complaints, to review and make recommendations on the Correctional Service Canada's policies and procedures associated with the areas of individual complaints, to follow-up on the implementation of recommendations, to ensure that systemic areas of complaint are identified and to review all Section 19 investigations performed by the Correctional Service Canada following the death of or serious injury to an inmate. The Office of the Correctional Investigator does not have discretionary funds to reallocate.

The Office does not foresee a decline in either the overall demand for services or in the complexity of the issues it is called upon to address. The environment in which it operates continues to be extremely challenging. Moving forward requires not only innovative and dedicated services, but also sound risk management, knowledge-driven decision-making, rigorous stewardship, clear accountabilities and responsible spending.

Expenditure Profile

Departmental Spending Trend



The Office of the Correctional Investigator's spending trend from 2003-2004 to 2007-08 remained stable. The forecasted spending amount for 2008-09 is estimated at 3,158 and 3,176 from 2009-10 through to 2011-2012. This spending trend could change should the organization be successful in securing additional incremental funding from the Centre.

Voted and Statutory Items

(Thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2008–09 Main Estimates	2009–10 Main Estimates
45	Program expenditures	3,341	2,822
(S)	Contributions to employee benefit plans	452	355
	TOTAL	3,793	3,176

Section II — Analysis of Program Activities by Strategic Outcome(s)

Strategic Outcome: The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion. This strategic outcome is supported by two program activities: Ombudsman to federal offenders and Internal Services.

Program Activity 1: Ombudsman to federal offenders.					
Human Resources (FTEs) and Planned Spending (Thousands)					
2009–10		**2010–11**		**2011–12**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
21	2,696	21	2,696	21	2,696

Program Activity Expected Results	**Performance Indicators**	**Targets**
To provide accessible and timely Ombudsman services to federal offenders	Ratio of completed institutional visits by security level; Average response time to offender problems.	90% meet standard 85% meet standard

Program Activity 2: Internal Services.					
Human Resources (FTEs) and Planned Spending (Thousands)					
2009–10		**2010–11**		**2011–12**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
3	480	3	480	3	480

Program Activity Expected Results	**Performance Indicators**	**Targets**
Not applicable at this time	Not applicable at this time	Not applicable at this time

Section III: Supplementary Information

Other Items of Interest

Website: **http://www.oci-bec.gc.ca**

Email: **org@oci-bec.gc.ca**

Enabling legislation: *Corrections and Conditional Release Act*, S.C. 1992 Part 3 found at http://www.justice.gc.ca

Reports and Discussion Papers found at the Office of the Correctional Investigator's website (**http://www.oci-bec.gc.ca**):

- Correctional Investigator's Annual Reports

- Previous Departmental Performance Reports and Reports on Plans and Priorities

- Deaths in Custody Study, June 27, 2007

- Report on the circumstances surrounding The Death of a Federal Inmate - A Failure to Respond, May 2008

Report found at (**http://www.parl.gc.ca**)

- The Senate of Canada's Out of the Shadows at Last – Transforming Mental Health on Addiction Services in Canada, May 2006